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June 15, 2020

VIA ELECTRONIC FILING

Hon. Vincent L. Briccetti
District Judge
The Hon. Charles L. Brieant, Jr. Federal Building
& United States Courthouse
300 Quarropas Street
White Plains, New York 10601-4150

Re: *Mill Street Partners, LLC v. City of Newburgh, et al.*
Case No.: 18-cv-05465 (VB)

Dear Judge Briccetti:

Please allow this letter to serve as the parties' joint status report in advance of the June 22, 2020 Case Management Conference.

Previously, by letter dated May 22, 2020, the parties provided Your Honor an interim status report on this matter. Since the height of the COVID-19 pandemic the parties have been able to complete the production and review of paper discovery. Thereafter, the parties exchanged lists of witnesses, both party and non-party, that they would like to depose. Over the past few weeks we have been working together to try to schedule depositions of these witnesses, many of which are located in either the Hudson Valley or New York City, which has created logistical issues for scheduling purposes. To date, we have been able to schedule various non-party video depositions for the weeks of June 22nd and June 29th. Additionally, due to the COVID-19 pandemic, we are trying to avoid retaining process servers to serve non-parties with subpoenas. We have generally been successful in having parties' consent to service; however, there are a few witnesses that have been non-responsive, thus service vis-à-vis a process server may be unavoidable.

Though we have scheduled various non-party witnesses to be deposed virtually, there is still a strong desire to depose the key party witnesses in-person. Due to the current restrictions that are still in place, we do not know when, or where, these depositions will be conducted. Additionally, even if we are physically capable of taking such depositions in-person, there is the distinct possibility that a witness, due to his or her health concerns, may refuse to be deposed in person. We are in the process of working through all of these issues and gauging the parties' willingness to appear in person, which would occur at a future date.

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Pursuant to the current scheduling order, fact discovery is scheduled to be completed on June 19, 2020 and expert discovery is to be completed by August 28, 2020. The parties are cautiously optimistic that they will be able to complete fact discovery by the end of the summer but realistically expect that they will need until the fall to complete fact discovery in light of the obstacles that the COVID-19 pandemic has caused.

Respectfully submitted,

BOND, SCHOENECK & KING, PLLC



Stuart F. Klein

cc: David Cooper, Esq.